

**BEFORE THE**  
**Federal Communications Commission**  
**Washington, D.C. 20554**

In the Matter of

Application of LPTV Station WLIG-LP,  
Plainview, N.Y., to Flashcut from Analog  
Channel 17 to Digital Channel 17 and  
Request for Waiver of Section 74.709  
of FCC Rules

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PS Docket No. 14-108

To: Marlene H. Dortch, Secretary

COMMENTS OF WLNY-TV INC.

WLNY-TV Inc., licensee of LPTV station WLIG-LP, Plainview, NY, by its attorneys, hereby submits its comments in PS Docket 14-108 in support of the request for waiver of Section 74.709 of the FCC rules associated with application file number BDFCDTL-20130603AUD.

On June 3, 2013, WLNY-TV Inc. filed an application on behalf of LPTV station WLIG-LP proposing to flashcut from analog channel 17 to digital channel 17.<sup>1</sup> The application sought a waiver of Section 74.709 of the FCC rules (land mobile interference protection) based upon the showing that the conversion to digital channel 17 would advance the objective and purpose of the rule, i.e., to protect the land mobile service against interference from the LPTV service.

WLIG-LP incorporates into these comments the public interest considerations detailed in the application which favor a grant of the waiver and flashcut application. The FCC public notice of July 16, 2014 which invited public comment on the waiver request summarizes the compelling public interest benefits advanced by WLIG-LP supporting a grant of the waiver.

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<sup>1</sup> The digital facility will be identical to the licensed analog facility in terms of frequency, ERP, antenna system and site location.

A favorable ruling on the waiver request can be a narrow one which is limited to the particular facts of this case which demonstrate that the very objective which Section 74.709 seeks to achieve would be furthered, not compromised, by such a ruling. WLIG-LP has operated on analog channel 17 for nine years without any interference complaints or other indication of interference to the channel 16 land mobile service. The objective of Section 74.709 -- to prevent interference -- would be satisfied because the digital channel 17 operation, as proposed, will actually afford the channel 16 land mobile service more interference protection than that which exists based on WLIG-LP's current analog operation. The benefit of increased interference protection can be achieved without any countervailing downside because the FCC rules (as well as WLIG-LP's representations reflected in the application) contain a *fail-safe mechanism*. Under applicable FCC rules, in the unlikely event that interference should ever occur, WLIG-LP, as a secondary service, must eliminate the interference or cease operations.

In light of the above factors and the more detailed showing contained in the application, the FCC should grant the waiver of Section 74.709 and approve the application.

Respectively submitted

  
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Dated: July 28, 2014